

After a complete review of the arguments contained in the claimant's Application for Review and exhibits attached thereto, the Appeals Board finds and concludes that the decision of the Administrative Law Judge to not allow the claimant to cross-examine Dr. C. Reiff Brown is not a final order that can be reviewed by the Appeals Board pursuant to K.S.A. 44-551 (as amended by S.B. 59, 1995). Additionally, the ruling made by the Administrative Law Judge does not raise a jurisdictional issue that can be reviewed pursuant to K.S.A. 44-534a. Administrative Law Judge Richardson's decision to not allow the claimant to cross-examine Dr. Brown is simply an evidentiary ruling that the Administrative Law Judge has the authority to make during the trial of a workers compensation case. The Appeals Board therefore finds it does not have jurisdiction to review such an evidentiary ruling until such time as it is included in the final award of the

Administrative Law Judge, whereupon the Appeals Board would have jurisdiction pursuant to K.S.A. 44-551(b)(1) (as amended by S.B. 59, 1995).

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Application for Review filed by the claimant is dismissed as the Appeals Board lacks jurisdiction to review the Order of Administrative Law Judge Thomas F. Richardson denying the claimant the right to cross-examine Dr. C. Reiff Brown during an evidentiary deposition.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of February, 1995.

\_\_\_\_\_  
BOARD MEMBER

\_\_\_\_\_  
BOARD MEMBER

\_\_\_\_\_  
BOARD MEMBER

c: C. Albert Herdoiza, Kansas City, KS  
Kerry McQueen, Liberal, KS  
Thomas F. Richardson, Administrative Law Judge  
George Gomez, Director